

By: Estes

S.B. No. 1393

A BILL TO BE ENTITLED

AN ACT

relating to the services that require a structural pest control license; changing the applicability of an occupational license.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1951.003, Occupations Code, is amended to read as follows:

Sec. 1951.003. BUSINESS OF STRUCTURAL PEST CONTROL. (a) Subsection (b) applies to ~~[In this chapter, a person is engaged in the "business of structural pest control" if the person performs, offers to perform, or advertises for or solicits the person's performance of any of]~~ the following services ~~[for compensation, including services performed as a part of the person's employment]:~~

(1) identifying infestations or making inspections for the purpose of identifying or attempting to identify infestations of:

(A) arthropods, including insects, spiders, mites, ticks, and related pests, wood-infesting organisms, rodents, weeds, nuisance birds, and any other obnoxious or undesirable animals that may infest households, railroad cars, ships, docks, trucks, airplanes, or other structures or their contents; or

(B) pests or diseases of trees, shrubs, or other plantings in a park or adjacent to a residence, business establishment, industrial plant, institutional building, or

street;

(2) making oral or written inspection reports, recommendations, estimates, or bids with respect to an infestation described by Subdivision (1); or

(3) making contracts, or submitting bids based on an inspection for services or performing services designed to prevent, control, or eliminate an infestation described by Subdivision (1) by the use of insecticides, pesticides, rodenticides, fumigants, allied chemicals or substances, or mechanical devices.

(b) A person is engaged in the "business of structural pest control" and required to hold a license under this chapter if the person:

(1) advertises or solicits to perform any service described by Subsection (a); or

(2) performs or offers to perform for compensation any service described by Subsection (a), including a service performed as part of the person's employment.

(c) A person is not engaged in the business of structural pest control if the person is a clerical employee or a manual laborer and the person does not:

(1) identify pests;

(2) make inspections, recommendations, estimates, bids, or contracts;

(3) provide estimates, bids, or contracts based on an inspection; ~~or~~

(4) apply insecticides, pesticides, rodenticides, fumigants, allied chemicals, or other related substances regulated

1 by the department; or

2 (5) advertise or solicit to perform any service
3 described by Subsection (a).

4 SECTION 2. The changes in law made by this Act apply only to
5 conduct that occurs on or after the effective date of this Act.
6 Conduct that occurs before the effective date of this Act is
7 governed by the law in effect when the conduct occurs, and the
8 former law is continued in effect for that purpose.

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2017.